

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE AUGUST 20, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 88

Introduced by Committee on Public Employees, Retirement and Social Security

January 5, 2009

An act relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 88, as amended, Committee on Public Employees, Retirement and Social Security. State employees: memoranda of understanding.

(1) Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds pursuant to memoranda of understanding entered into between the state employer and State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21, the Service Employees International Union, Local 1000, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

(2) The annual Budget Act appropriates specified amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds, for state employee compensation.

This bill would appropriate ~~\$9,474,000~~ \$856,500,000 from those funds for state employee compensation in augmentation of the Budget Act of 2009.

(3) This bill would provide that provisions of the memoranda of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would authorize either party to reopen negotiations on all or part of a memorandum of understanding if the Legislature does not approve or fully fund any provision of the memorandum of understanding that requires the expenditure of funds.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that the
- 2 purpose of this act is to approve agreements pursuant to Section
- 3 ~~3517~~ 3517.5 of the Government Code entered into by the state
- 4 employer and State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20,
- 5 and 21 on February 13, 2009, that require the expenditure of funds.
- 6 SEC. 2. The provisions of the memoranda of understanding
- 7 prepared pursuant to Section 3517.5 of the Government Code and
- 8 entered into by the state employer and the following employee
- 9 organizations, and that require the expenditure of funds, are hereby
- 10 approved for the purposes of subdivision (b) of Section 3517.6 of
- 11 the Government Code:
- 12 (a) State Bargaining Unit 1, Service Employees International
- 13 Union, Local 1000.
- 14 (b) State Bargaining Unit 3, Service Employees International
- 15 Union, Local 1000.
- 16 (c) State Bargaining Unit 4, Service Employees International
- 17 Union, Local 1000.
- 18 (d) State Bargaining Unit 11, Service Employees International
- 19 Union, Local 1000.

1 (e) State Bargaining Unit 14, Service Employees International
2 Union, Local 1000.

3 (f) State Bargaining Unit 15, Service Employees International
4 Union, Local 1000.

5 (g) State Bargaining Unit 17, Service Employees International
6 Union, Local 1000.

7 (h) State Bargaining Unit 20, Service Employees International
8 Union, Local 1000.

9 (i) State Bargaining Unit 21, Service Employees International
10 Union, Local 1000.

11 SEC. 3. The provisions of the memoranda of understanding
12 approved by Section 2 of this act that are scheduled to take effect
13 on or after February 1, 2009, and that require the expenditure of
14 funds, shall not take effect unless funds for these provisions are
15 specifically appropriated by the Legislature. If the Legislature does
16 not approve or fully fund any provision of a memorandum of
17 understanding that requires the expenditure of funds, either party
18 may reopen negotiations on all or part of the memorandum of
19 understanding.

20 SEC. 4. Notwithstanding Section 3517.6 of the Government
21 Code, the provisions of any memorandum of understanding
22 included in Section 2 that require the expenditure of funds shall
23 become effective even if the provisions of the memorandum of
24 understanding are approved by the Legislature in legislation other
25 than the annual Budget Act.

26 SEC. 5. The sum of ~~nine million four hundred seventy-four~~
27 ~~thousand dollars (\$9,474,000)~~ *eight hundred fifty-six million five*
28 *hundred thousand dollars (\$856,500,000)* is hereby appropriated
29 for expenditure in the 2009–10 fiscal year in augmentation of, and
30 for the purpose of, state employee compensations as provided in
31 Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of
32 Section 2.00 of the Budget Act of 2009, in accordance with the
33 following schedule:

34 (a) ~~Four million three hundred fifty-seven thousand dollars~~
35 ~~(\$4,357,000)~~ *Three hundred ninety-four million four hundred*
36 *thousand dollars (\$394,400,000)* from the General Fund in
37 augmentation of Item 9800-001-0001.

38 (b) ~~Three million four hundred twenty-eight thousand dollars~~
39 ~~(\$3,428,000)~~ *Three hundred nine million six hundred thousand*

1 *dollars (\$309,600,000) from unallocated special funds in*
2 *augmentation of Item 9800-001-0494.*

3 (c) ~~One million six hundred eighty-nine thousand dollars~~
4 ~~(\$1,689,000)~~ *One hundred fifty-two million five hundred thousand*
5 *dollars (\$152,500,000) from other unallocated nongovernmental*
6 *cost funds in augmentation of Item 9800-001-0988.*

7 SEC. 6. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety within
9 the meaning of Article IV of the Constitution and shall go into
10 immediate effect. The facts constituting the necessity are:

11 In order for the provisions of this act to be applicable as soon as
12 possible, and thereby facilitate the orderly administration of state
13 government at the earliest possible time, it is necessary that this
14 act take effect immediately.